

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JUNEAL PRATT,**

**Plaintiff,**

**vs.**

**MARK LUKIN, in his Individual and  
Official Capacity; MARILYN  
LEUENBERGER, in her Individual and  
Official Capacity; and PAUL  
RODRIGUEZ, in his Individual and  
Official Capacity,**

**Defendants.**

**8:09CV197**

**ORDER ON  
INITIAL REVIEW**

On September 17, 2008, the district court granted plaintiff's motion for leave to file an amended complaint and requested that the magistrate judge review the amended complaint pursuant to 28 U.S.C. §1915A. I previously recommended that plaintiff's original complaint be dismissed because the plaintiff sought only monetary relief from the defendants, in their official capacities, and they were immune from such relief.

In the Amended Complaint (Doc. 12), plaintiff has stated claims pursuant to 42 U.S.C. § 1983 (1) for violations of his rights under the first amendment to the U.S. Constitution, and (2) for violations of his rights under the fifth amendment to the U.S. Constitution. Plaintiff has sued all public employees in their official and individual capacities. He requests declaratory and equitable relief and an award of compensatory, actual, and punitive damages. The court does not construe plaintiff's prayer for relief to request monetary relief from the defendants in their official capacities.

Accordingly,

**IT IS ORDERED** that plaintiff may serve summonses and copies of the Amended Complaint on the defendants, in their individual and official capacities.

**DATED September 30, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**